REMARKS/ARGUMENTS

Applicants have received the Office action dated February 9, 2006, in which the Examiner: 1) rejected claims 2, 3, 7 and 8 as allegedly failing to comply with the written description requirement; 2) objected to claims 23 and 24 for informalities; 3) rejected claims 2, 7, 17, 18, 23 and 24 as allegedly obvious over Alcorn et al. (U.S. Pat. No. 6,106,396, hereinafter "Alcorn") in view of Wu (U.S. Pat. No. 6,401,140, hereinafter "Wu"), Madden et al. (U.S. Pat. No. 6,178,503, hereinafter "Madden") and Agnihotri (U.S. Pat. No. 6,763,456, hereinafter "Agnihotri"); and 4) rejected claims 3 and 8 as allegedly obvious over Alcorn, Wu, Madden and Agnihotri and in further view of Puckette (U.S. Pat. No. 6,385,721, hereinafter "Puckette").

With this Response, Applicants amend claims 2, 23 and 24, cancel claims 1, 4-6, 9-16, 19-21 and 27-29, and present new claims 30 and 31.

I.   CLAIM CANCELLATIONS

With this Response, Applicants cancel previously withdrawn claims 1, 4-6, 9-16, 19-21 and 27-29. This cancellation is without prejudice to later asserting these claims, such as in a divisional application.

II.   CLAIM OBJECTIONS.

The Office action dated February 9, 2006 objects to claims 23 and 24 for various informalities. Applicants amend claims 23 and 24 to address the informalities, and not to define over any cited art.

III.   UNREASONABLE INTERPRETATION OF THE CLAIMS BY THE OFFICE ACTION OF FEBRUARY 9, 2006

With regard to claim interpretation, the Manual of Patent Examining Procedures (MPEP) states:

> During patent examining, the pending claims must be "given their broadest reasonable interpretation **consistent with the specification.**"

(MPEP 8th, Rev. 3, August 2005, § 2111, p. 2100-46 (emphasis added)). The Office action of February 9, 2006 takes an unreasonable interpretation of the claim terminology when viewed in the context of the specification.

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Applicants' specification contains several embodiments related to providing operating system drivers to the computer system when the operating system is installed. The Office action of February 9, 2006 takes the position that "installation" includes run-time booting of previously installed operating systems. However, this interpretation is inconsistent with the specification.

Applicants' Figure 5, reproduced immediately below, discusses one possible embodiment of the invention.
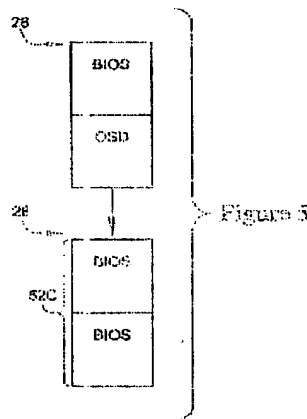
In particular, Figure 5 illustrates that, before the initial installation of the operating system on the computer system, the ROM 26 contains a copy of the basic input output system (BIOS) as well as a copy of the operating system drivers (OSD). (Specification Paragraph [0035]). During the installation of the operating system, drivers are provided from the OSD section of the ROM. (*Id.*). However, once the operating system is installed on the computer system, the drivers are overwritten to provide redundant BIOS.

> [O]nce the operating system drivers have been provided during installation of the operating system, **a utility program copies the BIOS, provided only in non-redundant fashion initially, to the second half of the ROM 26. By copying the BIOS over the operating system drivers, a redundant BIOS system is provided, as shown in the lower ROM 26 of Figure 5.**

(Specification Paragraph [0035] (emphasis added)).

> While this implementation provides both the redundant BIOS, after operating system installation, and also provides operating system drivers on the ROM, **the operating system drivers are overwritten and thus will not be available if the operating system must be installed again.**

(*Id.* (emphasis added)). Consistent with the specification, and in particular the embodiments discussed with respect to Figure 5, "installation" in the specification and claims refers to initial installation onto the computer system, not the "run-time" booting of a previously installed operating system. Thus, the interpretation of the Office action that "installation" includes "run-time" booting of previously installed operating systems is inconsistent with the specification.   The interpretation renders the embodiments discussed with respect to Figure 5 inoperable as the operating system drivers are overwritten and thus not available.   For these reasons the interpretation is improper.

IV.   SECTION 112 WRITTEN DESCRIPTION REJECTIONS

The Office action of February 9, 2006 asserts a written description rejection against claims 2-3 and 7-8. In particular, the Office asserts that:

> [T]he amended claims are directed to "providing operating system drivers *during* installation of operating systems' ... but the original specification did not disclose the subject matter of 'storing the operating system drivers on a ROM within the computer system' during such installation.

(Office action of February 9, 2006, Page 2 (emphasis original)).

Firstly, none of the pending claims require that the storing of the operating system drivers on the ROM take place during the installation of the operating system. For this reason alone the rejection is improper and should be withdrawn.

Secondly, it appears the rejection stems from the interpretation placed upon the term "installation" by the Office action that is wholly inconsistent with the specification. In particular, if "installation" refers to run-time booting of previously installed operating systems (which Applicants do not admit is proper), storing operating system drivers to the ROM during the run-time booting of the previously installed operating system is not disclosed. However, using the interpretation of "installation" that deals with initial installation of the operating system on the

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computer system and not run-time booting of a previously installed operating
systems (which interpretation is consistent with the specification as discussed
above), the storing is fully disclosed and no written description shortcoming is
present. Moreover, the assumption of the Office action that "storing of the
operating system drivers on a ROM is done previous to the installation of the
operating system..." is correct.

> Preferably, the ROM 26 has this configuration as it leaves the factory
> and during the operating system installation procedure.

(Specification Paragraph [0035]).

Thus, Applicants respectfully submit that using an interpretation of
"installation" consistent with the specification, no written description shortcomings
are present.

V.   ALLEGED FINDINGS OF FACT

The Office Action of February 9, 2006 presents a plurality of "findings" with
regard to teachings of the cited art. To the extent necessary to keep these
"findings" from becoming conclusive, Applicants respectfully traverse each and
every finding.

Applicants specifically traverse any "findings" regarding *Alcorn* that imply
that *Alcorn* may be directed to installation of operating systems. More
particularly, "finding" numbers 14 and 18 postulate that *Alcorn* is directed to
installation of operating systems, whereas a closer examination of *Alcorn*
reveals that *Alcorn* is directed to run-time booting of **previously installed**
operating systems.

Applicants specifically traverse any "findings" regarding *Madden* that imply
that *Madden* may be directed to installation of operating systems. In fact,
"finding" numbers 1 and 7 allege that *Madden* is directed to installation of
operating systems, whereas a closer examination of *Madden* reveals that
Madden deals with run-time booting of previously installed operating systems.

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Applicants specifically traverse any "findings" regarding *Wu* that imply that
Wu may be directed to installation of operating systems. Indeed, "finding"
number 24 contends that *Wu* is directed to **installation** of operating systems,
whereas a closer examination of *Wu* reveals that Wu involves run-time booting of
previously installed operating systems.

VI.   ART-BASED REJECTIONS

Independent claims 2, 7, 17, 23, and 24 stand rejected as allegedly
obvious over Alcorn in view of Wu, Madden, and Agnihotri. Applicants
respectfully traverse because the cited art fails to teach or suggest all of the claim
elements. For example, claim 2 recites "providing operating system drivers
during an operating system installation on a computer system" and none of
the cited art teaches or suggests such a claim feature; rather, the cited art
appears to be directed to run-time booting of previously installed operating
systems. For at least this reason, claim 2, as well as its dependent claims, is not
rendered obvious by the cited art.

Independent claim 7 and its dependent claims include elements akin to
those described for claim 2, and therefore claim 7 and its dependent claims are
allowable over the cited art for at least the same reasons as claim 2.

Claim 17 recites, "mak[ing] the set of hardware drivers available for
copying **during installation of an operating system** by showing the hardware
drivers on the ROM as files on a virtual disk drive." Since none of the cited art
teaches or suggests this claim element, claim 17 and its dependent claims are
allowable over the cited art for at least this reason.

Claim 23 recites that the "the BIOS programs of the ROM show a virtual
floppy drive whose contents reside in the random access memory (RAM) area of
the virtual address space and whose contents include hardware drivers available
for copying **during installation of an operating system**." None of the cited art
teaches or suggests such a claim element and therefore claim 23 is allowable
over the cited art for at least this reason.

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Claim 24 recites that:

> the BIOS programs show as contents of the virtual
> floppy drive **only the first set of operating system**
> **drivers if the first operating system is to be**
> **installed on the computer system**, and wherein the
> BIOS programs are further adapted to show as
> contents of the virtual floppy drive **only the second**
> **set of operating system drivers if the second**
> **operating system is to be installed on the**
> **computer system.**

None of the cited art teaches or suggests showing different contents of the virtual
floppy as a result of installing either the first or second operating system, and
therefore claim 24 is allowable over the cited art for at least this reason.

VII.   NEW CLAIMS

With this Response, Applicants present new claims 30 and 31. Applicants
respectfully submit that none of the cited art teaches or rendered obvious the
limitations of claims 30 and 31.
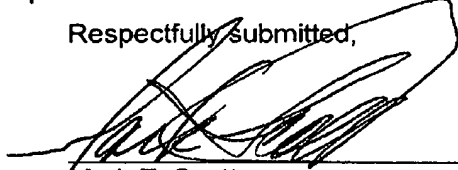
VIII.   CONCLUSION

In the course of the foregoing discussions, Applicants may have at times
referred to claim limitations in shorthand fashion, or may have focused on a
particular claim element. This discussion should not be interpreted to mean that
the other limitations can be ignored or dismissed. The claims must be viewed as
a whole, and each limitation of the claims must be considered when determining
the patentability of the claims. Moreover, it should be understood that there may
be other distinctions between the claims and the cited art which have yet to be
raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of
Allowance be issued in this case. It is believed that no extensions of time or fees
are required, beyond those that may otherwise be provided for in documents
accompanying this paper. However, in the event that additional extensions of
time are necessary to allow consideration of this paper, such extensions are
hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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